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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

HI-RISE TECHNOLOGY, INC.

Plaintiff,

vs.

AMATUERINDEX.COM,

Defendant

IN REM CIVIL ACTION

CASE NO.

**C 07-0349** MJP

COMPLAINT TO ORDER TRANSFER OF  
DOMAIN NAME

COMES NOW, Hi-Rise Technology, Inc., by and through MATTHEW A. LIND, of Law Offices of Matthew A. Lind, PLLC, and files this *in rem* proceeding pursuant to 15 U.S.C. § 1125 (d)(2) pertaining to the second-level domain name, amatuerindex.com, and respectfully shows this Court as follows:

I.

PARTIES

1. Hi-Rise Technology, Inc. ("Plaintiff") is a corporation organized under the laws of the State of Florida with its principal place of business at 3959 Van Dyke Road, Suite 246 Lutz, FL 33558.
2. The Internet domain name, amatucrindex.com, is registered with the registrar eNom, Inc. ("eNom"). eNom's physical address is 15801 NE 24th Street, Bellevue, WA 98008 and its main

Complaint - 1

LAW OFFICES OF MATTHEW A. LIND, PLLC.  
Fishermen's Terminal \* Nordby Building  
1715 West Nickerson Street  
Seattle, Washington 98119-1633

1 email address is info@eNom.com. eNom, Inc.'s registered agent for service of process is Sarah  
2 Akhtar and her registered address is 15801 NE 24th Street, Bellevue, WA 98008.

3 3. According to eNom's WHOIS database, amatuerindex.com (the "Domain"), was  
4 registered to the organization, Jasper Developments ("Jasper") on April 25, 2003 and only  
5 recently updated as of February 26, 2007. According to this database, Jasper lists a foreign  
6 business address at GPO Box 1188, Melbourne, Victoria 3001, Australia and an Australian  
7 telephone number of +61.390187664. Attached hereto as Exhibit "A" is a true and correct copy  
8 of a printout from this WHOIS database information for the Domain.

9  
10 **II.**

11 **JURISDICTION AND VENUE**

12 4. This Court has jurisdiction over this matter and this venue is proper pursuant to 15 U.S.C.  
13 § 1125 (d)(2).

14  
15 **III.**

16 **FACTUAL BACKGROUND**

17 5. Plaintiff is the owner of the service mark, "THE AMATEUR INDEX" (the "Mark"). The  
18 Mark is registered with the United States Patent and Trademark Office (Registration No.  
19 2706211). Plaintiff's predecessor in ownership filed an application for the Mark with the United  
20 States Patent and Trademark Office on May 18, 2001 and received an official registration date of  
21 April 15, 2003. Attached hereto as Exhibit "B" is a true and correct copy of a printout of a page  
22 from the United States Patent and Trademark Office reflecting Plaintiff's ownership of the Mark.

23 6. On information and belief, Plaintiff has discovered from the WHOIS information  
24 submitted by the registrant, Jasper, for the Domain and maintained by the registrar, eNom, that  
25 Jasper currently has control and full use of the Domain and is, for all purposes relevant to this  
26 proceeding the owner of the Domain. Jasper is listed as the organizational contact for the  
27 Domain and Jasper's only business address is located outside the United States. Additionally,

1 other than Jasper and as Exhibit "A" evidences, there is neither a natural person nor a business  
2 entity within the United States listed as either a contact or owner for the Domain.

3 7. Plaintiff has discovered that Jasper is currently using the Domain as a web site to allow  
4 Internet access to various forms of adult-oriented content through links contained on the website  
5 located at the Domain. Attached hereto as Exhibit "C" is a true and correct copy of a printout of  
6 the website located at the Domain.

7 8. Plaintiff's Mark, as evidenced by Exhibit "B" was registered for the express purpose of  
8 providing a website linking Internet users to other adult entertainment websites from links found  
9 on Plaintiff's website, amateurindex.com, which is has exclusive licensing rights to the Mark.

10  
11 **IV.**

12 **FIRST CAUSE OF ACTION**

13 **(Violation of the Anticybersquatting Consumer Protection Act)**

14  
15 9. Plaintiff repeats and realleges Paragraphs 1 through 8 of this Complaint as if restated in  
16 full.

17 10. The ownership and use of the Domain name violates Plaintiff's exclusive rights in the  
18 Mark.

19 11. The registration and corresponding use of a common misspelling of Plaintiff's Mark as a  
20 domain name after Plaintiff established intellectual property rights in that domain name  
21 constitutes a violation of 15 U.S.C. § 1125 (d)(1)(A)(i)-(ii).

22  
23 12. Plaintiff's inability to obtain *in personam* jurisdiction over the foreign owner of the  
24 Domain, Jasper, necessitates this *in rem* action against the Domain pursuant to 15 U.S.C. § 1125  
25 (d)(2)(A)(i) and (ii)(I).

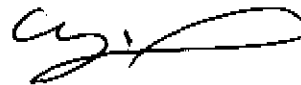
V.

**REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiff, Hi-Rise Technology, Inc., respectfully requests that this Honorable Court grant relief under 15 U.S.C. § 1125 (d)(2)(D)(i)-(ii) sought herein and order cNom to transfer the Domain, amaturerindex.com, to Plaintiff.

**DATED** this 8 day of March 2007.

Respectfully Submitted,



Matthew A. Lind, WSBA #37179  
Attorney for Plaintiff

# **Exhibit A**

Total Domain Names on the eNom Platform: **8,890,535**[Apply for a reseller account](#) | [log-in](#)

powering the domain name industry

[whois](#) | [help](#)**HOME**

- o [welcome to enom](#)
- o [services overview](#)
- o [pricing](#)
- o [news](#)
- o [maintenance alerts](#)
- o [press releases](#)
- o [about/contact us](#)
- o [statistics and awards](#)
- o [careers](#)
- o [sitemap](#)

**DOMAINS**

- o [register a domain](#)
- o [my domains](#)
- o [global edit](#)
- o [transfer a domain name](#)
- o [my transfers](#)
- o [extension \(TLD\) info](#)
- o [international domains \(IDNs\)](#)
- o [advanced tools](#)
  - [register a name server](#)
  - [push a name](#)
  - [list wizard](#)
  - [DNS hosting](#)

**SITE CREATOR**

- o [about Web Site Creator](#)
- o [easy web site manager](#)
- o [help](#)

**HOSTING**

- o [about our web hosting](#)
- o [manage hosting accounts](#)
- o [hosting help](#)

**EMAIL**

- o [about our pop email solution](#)
- o [about hosted exchange](#)
- o [manage pop email](#)
- o [manage hosted exchange](#)
- o [help](#)

**AUCTIONS**

- o [about domain auctions](#)
- o [search all auctions](#)
- o [browse auctions](#)
- o [premium names](#)
- o [Club Drop \(expiring names\)](#)
- o [my auctions](#)
- o [help](#)

**WEB TOOLS****TRAFFIC VISTA**

- [analyze your traffic](#)
- [manage](#)
- [help](#)

**SSL CERTIFICATES**

- [secure your site](#)
- [my SSL certs](#)



## WEB MONITOR

- monitor your sites
- manage
- help

## ID PROTECT

- shield your identity
- help

## RESELLERS

- sell domain names
- promotions
- sub-accounts
- refill account
- commission account
- PDQ
- R-Rocket
- merchant services
- eNom API Info
- API Documentation
- test account

DOMAINS WHOIS

Our WhoIs (Who Is?) page lets the public see information about the owner (the "registrant") of a particular domain name as well as other information about the domain name. Some of this information is maintained by eNom (the "registrar") and some is maintained by the "registry". Only names that are registered by eNom (the "registrar") appear here. Names that are maintained by other registrars will not show up in our WhoIs, even though they are already registered (i.e. taken). You can [see if a name is already taken here](#).

Access to eNom's Whois information is for informational purposes only. eNom makes this information available "as is," and does not guarantee its accuracy. The compilation, repackaging, dissemination or other use of eNom's Whois information in its entirety, or a substantial portion thereof, is expressly prohibited without the prior written consent of eNom. By accessing and using our Whois information, you agree to these terms.

### WhoIs Results for amatuerindex.com

#### Contact Type Registrant

Organization Name: Jasper Developments

First Name: domain

Last Name: manager

Address 1: GPO Box 1188

Address 2: Melbourne

City: VIC

StateProvince:

PostalCode: 3001

Country: AU

Phone: +61.390187664

Fax:

EmailAddress: whois@developments.com

#### Contact Type Administrative

Organization Name: Jasper Developments

First Name: domain

Last Name: manager

Address 1: GPO Box 1188

**Address 2:** Melbourne  
**City:** VIC  
**StateProvince:**  
**PostalCode:** 3001  
**Country:** AU  
**Phone:** +61.390187664  
**Fax:**  
**EmailAddress:** whois@developments.com

#### Contact Type Billing

**Organization Name:** Jasper Developments  
**First Name:** domain  
**Last Name:** manager  
**Address 1:** GPO Box 1188  
**Address 2:** Melbourne  
**City:** VIC  
**StateProvince:**  
**PostalCode:** 3001  
**Country:** AU  
**Phone:** +61.390187664  
**Fax:**  
**EmailAddress:** whois@developments.com

#### Contact Type Technical

**Organization Name:** Jasper Developments  
**First Name:** domain  
**Last Name:** manager  
**Address 1:** GPO Box 1188  
**Address 2:** Melbourne  
**City:** VIC  
**StateProvince:**  
**PostalCode:** 3001  
**Country:** AU  
**Phone:** +61.390187664  
**Fax:**  
**EmailAddress:** whois@developments.com

#### Other Information

**domain:** amatuIndex.com  
**registration-expiration-date:** 2007-04-25 18:20:10.000  
**created-date:** 2003-04-25 18:20:10.000  
**updated-date:** 2007-02-26 03:26:07.000  
**status:** registrar-lock



nameserver: NS2.DSREDIRECTION.COM  
NS1.DSREDIRECTION.COM

Enter the domain name for which you would like to check information.  
(i.e. "example.com")

search

[register a domain name](#) | [my domains](#) | [transfer a domain](#) | [my transfers](#) | [host a domain](#) | [new extensions \(TLDs\)](#) | [international domains \(IDNs\)](#) |  
[pricing](#) | [global edit](#) | [register name server](#) | [push a domain](#) | [list wizard](#)

© eNom inc. 1998-2006 - [Terms and Conditions](#)

Partners: [search the web](#)

User's Choice

Award



•com •net



# **Exhibit B**



# United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

## Trademarks > Trademark Electronic Search System(Tess)

TESS was last updated on Wed Mar 7 04:18:07 EST 2007

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE](#) [DICT](#)

[SEARCH OG](#)

[BOTTOM](#)

[HELP](#)

[Logout](#)

Please logout when you are done to release system resources allocated for you.

**Record 1 out of 1**

[TARR Status](#)

[ASSIGN Status](#)

[TDR](#)

[TTAB Status](#)

( Use the "Back" button of the

Internet Browser to return to TESS)

### Typed Drawing

**Word Mark**

THE AMATEUR INDEX

**Goods and Services**

IC 035. US 100 101 102. G & S: PROMOTING THE GOODS AND SERVICES OF OTHERS BY PROVIDING A WEBSITE AT WHICH INTERNET USERS LINK TO OTHER ADULT ENTERTAINMENT WEBSITES. FIRST USE: 19970425. FIRST USE IN COMMERCE: 19970425

**Mark Drawing Code**

(1) TYPED DRAWING

**Design Search Code**

**Serial Number**

76259630

**Filing Date**

May 18, 2001

**Current Filing Basis**

1A

**Original Filing Basis**

1A

**Published for Opposition**

January 21, 2003

**Registration Number**

2706211

**Registration Date**

April 15, 2003

**Owner**

(REGISTRANT) Hi-Rise Entertainment, Inc. CORPORATION LOUISIANA 1027 Friedrichs Street Gretna LOUISIANA 70053

(LAST LISTED OWNER) HI-RISE TECHNOLOGY, INC. CORPORATION FLORIDA 3959 VANDYKE RD STE 246 LUTZ FLORIDA 33558

**Assignment Recorded**

ASSIGNMENT RECORDED

**Attorney of Record**

Kim Huong A. Tran

Type of Mark            SERVICE MARK  
Register                PRINCIPAL  
Live/Dead Indicator    LIVE

[TESS HOME](#)

[NEW USER](#)

[STRUCTURED](#)

[FREE FORM](#)

[BROWSE DICT](#)

[SEARCH OG](#)

[TOP](#)

[HELP](#)

[\[ HOME \]](#) [\[ SITE INDEX \]](#) [\[ SEARCH \]](#) [\[ eBUSINESS \]](#) [\[ HELP \]](#) [\[ PRIVACY POLICY \]](#)

# **Exhibit C**

**Amatuerindex.com**

What you need, when you need it

Make this your homepage | Bookmark this page

March 7, 2007

**Amatuer Index Premature Ejaculation Teen Nudist Photo Gallery Hot Lingerie Nudes Female Orgasm Dating**

## • Popular Categories

- Amatuer index
- Premature Ejaculation
- Teen Nudist Photo Gallery
- Hot Lingerie
- Nudes
- Female Orgasm
- Dating
- Amatuer
- Playmates Galleries
- Large Breast

- Amatuer Index
- Hot Lingerie
- Dating
- Blondes

- Premature Ejaculation
- Nudes
- Amatuer
- Redheads

## • Favorite Categories

- Travel
  - Airline tickets
  - Hotels
  - Car rental
  - Flights
  - Beach Hotels
- Foreclosures
- Houses For Sale
- Mortgage
- People Search
- Real Estate Training

## • Entertainment

- Games
- Casino
- Music
- Cell Phones
- Ringtones

## • Finance

- Free credit report
- Online Payment
- Credit Card Application
- Car Insurance
- Health Insurance

## • Business

- Employment
- Work from home
- Reorder Checks
- Used Cars
- Business Opportunities

## • Lifestyle

- Dating
- Christian Singles
- Jewish Singles
- Engagement Rings
- Chat

Teen Nudist Photo  
Gallery  
Female Orgasm  
Playmates Galleries  
Large Breast  
Gallery  
Cute Girl Pic

Search